REMARKS

Applicants request that the Patent Office acknowledge Applicants' claim to domestic priority to U.S. Provisional Application No. 60/227,852 as evidenced by paragraph [0001] of the specification of the U.S. Application No. 09/832,828 filed on April 12, 2001.

Claims 1-4, 7, 8, 10-23, 26-41 and 43-55 and 57 have been examined on their merits, and are all the claims presently pending in the application.

1.   Claims 1-4, 7, 8, 11-17, 19-23, 26-29, 31-41, 43-45, 47-53, 55 and 57 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tso *et al.* (U.S. Patent No. 6,047,327) in view of Kaplan *et al.* (U.S. Patent No. 5,446,891). Applicants traverse the rejection of claims 1-4, 7, 8, 11-17, 19-23, 26-29, 31-41, 43-45, 47-53, 55 and 57 at least for the reasons discussed below.

The combination of Tso *et al.* and Kaplan *et al.* does not teach or suggest at least associating each data item with a generic action menu and an application specific menu that corresponds to an outside application, as recited in claim 1, and included in claim 10 via dependency. The combination of Tso *et al.* and Kaplan *et al.* lacks any teaching or suggestion of the association of each data item with a generic action menu (*e.g.*, an exemplary generic action menu is shown in Figure 6 of the instant application) and an application-specific action menu (*e.g.*, an exemplary application-specific action menu is shown in Figure 8 of the instant application) as recited in claim 1. None of the references teaches or suggests that the data items are associated with one or both types of menus. For example, one aggregated data item may be

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linked to a stock brokerage account, and the action menus would allow for buying and selling of stock, while another aggregated data item may be linked to an on-line auction, and the action menus would allow for increasing or withdrawing bid. The primary reference, Tso *et al.*, discloses data being pushed to a terminal, but Tso *et al.* fails to teach or suggest the creation of action menus associated with each of the pushed data item. Kaplan *et al.* is equally deficient. Thus, Applicants submit that the Patent Office cannot fulfill the "all limitations" prong of a *prima facie* case of obviousness, as required by *In re Vaeck.*

Applicants submit that one of skill in the art would not be motivated to combine the references. Although the Patent Office provides a motivation analysis with respect to a dynamic homepage for a mobile system, Tso *et al.* and Kaplan *et al.* all lack any teaching about the creation of action menus associated with each of the aggregated data items for the subscriber terminal. Thus, Applicants submit that the Patent Office cannot fulfill the motivation prong of a *prima facie* case of obviousness, as required by *In re Dembiczak* and *In re Zurko.*

Based on the foregoing reasons, Applicants submit that the combination of Tso *et al.* and Kaplan *et al.* fails to teach or suggest all of the claimed elements as arranged in claim 1. Applicants submit that claim 1 is allowable, and further submit that claims 2-4, 7, 8 and 11-13 are allowable as well, at least by virtue of their dependency from claim 1. Applicants respectfully request that the Patent Office withdraw the § 103(a) rejection of claims 1-4, 7, 8 and 11-13.

Applicants submit that claim 14 is allowable for at least reasons analogous to those discussed for claim 1, in that combination of Tso *et al.* and Kaplan *et al.* fails to teach or suggest

associating each data item with a generic action menu or an application specific menu that corresponds to an outside application, or both types of menus. Applicants further submit that claims 15-17 are allowable as well, at least by virtue of their dependency from claim 14. Applicants respectfully request that the Patent Office withdraw the § 103(a) rejection of claims 14-17.

Applicants submit that claim 19 is allowable for at least reasons analogous to those discussed for claim 1, in that combination of Tso *et al.* and Kaplan *et al.* fails to teach or suggest associating each data item with a generic action menu or an application specific menu that corresponds to an outside application, or both types of menus. Applicants further submit that claims 20-23, 26-29 and 31-33 are allowable as well, at least by virtue of their dependency from claim 19. Applicants respectfully request that the Patent Office withdraw the § 103(a) rejection of claims 19-23, 26-29 and 31-33.

Applicants submit that claim 34 is allowable for at least reasons analogous to those discussed for claim 1, in that combination of Tso *et al.* and Kaplan *et al.* fails to teach or suggest associating each data item with a generic action menu or an application specific menu that corresponds to an outside application, or both types of menus. Applicants further submit that claims 35-41 and 43-45 are allowable as well, at least by virtue of their dependency from claim 34. Applicants respectfully request that the Patent Office withdraw the § 103(a) rejection of claims 34-41 and 43-45.

Applicants submit that claim 47 is allowable for at least reasons analogous to those discussed for claim 1, in that combination of Tso *et al.* and Kaplan *et al.* fails to teach or suggest

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associating each data item with a generic action menu or an application specific menu that corresponds to an outside application, or both types of menus. Applicants further submit that claims 48-53 are allowable as well, at least by virtue of their dependency from claim 47. Applicants respectfully request that the Patent Office withdraw the § 103(a) rejection of claims 47-53.

Applicants submit that claim 55 is allowable for at least reasons analogous to those discussed for claim 1, in that combination of Tso *et al.* and Kaplan *et al.* fails to teach or suggest associating each data item with a generic action menu or an application specific menu that corresponds to an outside application, or both types of menus. Applicants further submit that claim 57 is allowable as well, at least by virtue of its dependency from claim 55. Applicants respectfully request that the Patent Office withdraw the § 103(a) rejection of claims 55 and 57.

2.   Claims 10, 18, 30, 46 and 54 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tso *et al.* in view of Kaplan *et al.* and in further view of Gerace (U.S. Patent No. 5,848,396). Applicants traverse the rejection of claims 10, 18, 30, 46 and 54 at least for the reasons discussed below.

Claim 10 depends from claim 1, and includes all the recitations of claim 1 by virtue of its dependency. The combination of Tso *et al.*, Kaplan *et al.* and Gerace does not teach or suggest at least associating each data item with a generic action menu or an application specific menu that corresponds to an outside application, or both types of menus, as recited in claim 1, and included in claim 10 via dependency. The combination of Tso *et al.*, Kaplan *et al.* and Gerace

lacks any teaching or suggestion of the association of each data item with a generic action menu (*e.g.*, an exemplary generic action menu is shown in Figure 6 of the instant application) and an application-specific action menu (*e.g.*, an exemplary application-specific action menu is shown in Figure 8 of the instant application) as recited in claim 1, and included in claim 10. None of the references teaches or suggests that the data items are associated with one or both types of menus. For example, one aggregated data item may be linked to a stock brokerage account, and the action menus would allow for buying and selling of stock, while another aggregated data item may be linked to an on-line auction, and the action menus would allow for increasing or withdrawing bid. The primary reference, Tso *et al.*, discloses data being pushed to a terminal, but Tso *et al.* fails to teach or suggest the creation of action menus associated with each of the pushed data item. Kaplan *et al.* and Gerace are equally deficient. Thus, Applicants submit that the Patent Office cannot fulfill the "all limitations" prong of a *prima facie* case of obviousness, as required by *In re Vaeck*.

Applicants submit that one of skill in the art would not be motivated to combine the references. Although the Patent Office provides a motivation analysis with respect to a dynamic homepage for a mobile system, Tso *et al.*, Kaplan *et al.* and Gerace all lack any teaching about the creation of action menus associated with each of the aggregated data items for the subscriber terminal. Thus, Applicants submit that the Patent Office cannot fulfill the motivation prong of a *prima facie* case of obviousness, as required by *In re Dembiczak* and *In re Zurko*.

Based on the foregoing reasons, Applicants submit that the combination of Tso *et al.*, Kaplan *et al.* and Gerace fails to teach or suggest all of the claimed elements as arranged in claim

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1, and included via dependency in claim 10. Thus, Applicants submit that claim 10 is allowable, and respectfully request that the Patent Office withdraw the § 103(a) rejection of claim 10.

Claim 18 depends from claim 14, and includes all the recitations of claim 14 by virtue of its dependency. Applicants submit that claim 18 is allowable for at least reasons analogous to those discussed for claim 10, in that combination of Tso *et al.*, Kaplan *et al.* and Gerace fails to teach or suggest associating each data item with a generic action menu or an application specific menu that corresponds to an outside application, or both types of menus. Thus, Applicants respectfully request that the Patent Office withdraw the § 103(a) rejection of claim 18.

Claim 30 depends from claim 19, and includes all the recitations of claim 19 by virtue of its dependency. Applicants submit that claim 30 is allowable for at least reasons analogous to those discussed for claim 10, in that combination of Tso *et al.*, Kaplan *et al.* and Gerace fails to teach or suggest associating each data item with a generic action menu or an application specific menu that corresponds to an outside application, or both types of menus. Thus, Applicants respectfully request that the Patent Office withdraw the § 103(a) rejection of claim 30.

Claim 46 depends from claim 34, and includes all the recitations of claim 34 by virtue of its dependency. Applicants submit that claim 46 is allowable for at least reasons analogous to those discussed for claim 10, in that combination of Tso *et al.*, Kaplan *et al.* and Gerace fails to teach or suggest associating each data item with a generic action menu or an application specific menu that corresponds to an outside application, or both types of menus. Thus, Applicants respectfully request that the Patent Office withdraw the § 103(a) rejection of claim 46.

Claim 54 depends from claim 47, and includes all the recitations of claim 47 by virtue of its dependency. Applicants submit that claim 54 is allowable for at least reasons analogous to those discussed for claim 10, in that combination of Tso *et al.*, Kaplan *et al.* and Gerace fails to teach or suggest associating each data item with a generic action menu or an application specific menu that corresponds to an outside application, or both types of menus. Thus, Applicants respectfully request that the Patent Office withdraw the § 103(a) rejection of claim 54.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.
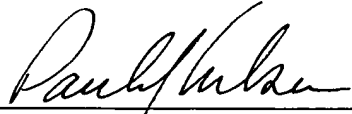
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